UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CONNECTOR CASTINGS, INC.	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
INDUSTRIAL AIR PURIFICATION, INC., DONALD CAMPBELL a/k/a DON CAMPBELL, And JOHN DOES 1-10,	)	**JURY TRIAL DEMANDED**
	)	
Defendants.	)	

NOTICE OF REMOVAL

Defendants Industrial Air Purification, Inc. and Donald Campbell ("Defendants"), pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby removes this action which has been pending as Cause No. 1611-CC00501 in the Circuit Court for Saint Charles County, Missouri to the United States District Court for the Eastern District of Missouri. In support of this Notice of Removal, Defendants state as follows:

I. INTRODUCTION

1. On June 2, 2016, Plaintiff Connector Castings, Inc. ("Plaintiff") commenced an action by filing a Petition ("Complaint") in the Circuit Court for Saint Charles County, Missouri, captioned Connector Castings, Inc. v. Industrial Air Purification, Inc., et al., Cause No. 1611-CC00501 (the "State Court Action").

2. On October 17, 2016, Defendants were served with a copy of the Complaint and summons. Thirty days have not yet expired since this action became removable to this Court. Thus, this matter is timely removed. 28 U.S.C. § 1446(b).

3. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the complete State Court file, available at www.courts.mo.gov/casenet, is attached hereto as Exhibit 1.

4. For his only cause of action, Plaintiff alleges that Defendant violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). Exhibit 1, Complaint, ¶¶ 6, 19-27, and 35-44.

5. The United States District Court for the Eastern District of Missouri embraces the county in which the State Court Action is now pending. Therefore, venue is proper for this action pursuant to 28 U.S.C. § 1446(a).

6. By filing a Notice of Removal, Defendant does not waive any of its rights or defenses.

7. As set forth more fully below, this action is one that Defendants may remove to this Court pursuant to 28 U.S.C. § 1331 because Plaintiff's claim arises under federal law.

II. BASIS FOR REMOVAL

1. 28 U.S.C. § 1441(a) controls the circumstances in which a party may remove a state civil action to a United States District Court, and provides that:

> any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

8. Pursuant to 28 U.S.C. § 1331, United States District Courts maintain "original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."

9. Removal of this action is proper under 28 U.S.C. § 1331 because Plaintiff's sole claim—a TCPA claim—arises under federal law. The United States Supreme Court, in *Mims v. Arrow Financial Services, LLC*, stated that "[b]ecause federal law creates the right of action and provides the rules of decision, [a] TCPA claim, in 28 U.S.C. § 1331's words, plainly 'aris[es]

under' the 'laws . . . of the United States.'" 132 S.Ct. 740, 748 (2012). The Supreme Court held that "Congress did not deprive federal courts of federal-question jurisdiction over private TCPA suits." *Id*. at 747.

10. Because this Court has original jurisdiction over Plaintiff's TCPA claim, this case is removable by Defendant. 28 U.S.C. §§ 1441(a).

WHEREFORE, all of the requirements of 28 U.S.C. §§ 1331, 1441(a), and 1446 have been satisfied, and Notice is hereby given that this action is removed from the Circuit Court of Saint Charles County, Missouri to the United States District Court for the Eastern District of Missouri.

Respectfully submitted,

SPENCER FANE LLP

DATED: November 15, 2016

By: /s/ Patrick T. McLaughlin

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via email and U.S. Mail, postage prepaid this 15th day of November, 2016, upon:

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